

# Taxi Licensing Committee

Thursday 26 January 2012

## PRESENT:

Councillor Delbridge, Vice Chair in the Chair.  
Councillor Mrs Nicholson, Vice Chair.  
Councillors Bowie, Churchill, Haydon and Rennie.

Apology for absence: Councillor Reynolds.

Also in attendance: Nicky Bradley (Licensing), George Curness (Licensing), Sharon Day (Lawyer), Andy Netherton (Licensing) and Helen Wright (Democratic Support).

The meeting started at 10.00 am and finished at 2.35 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

## 102. APPOINTMENT OF VICE CHAIR

Agreed that Councillor Mrs Nicholson is appointed as Vice Chair for this particular meeting.

## 103. DECLARATIONS OF INTEREST

The following declaration of interest was made in accordance with the code of conduct in relation to an item under consideration at this meeting –

Name	Subject	Reason	Interest
Councillor Churchill	Licensed Private Hire Driver Review of Licence Status Minute 113	He knew the applicant in a social capacity	Personal/ Prejudicial
Councillor Rennie	Licensed Hackney Carriage Driver – Application for Exemption Minute 112	he knew the doctor concerned in the case	Personal

## 104. MINUTES

Agreed that the minutes of the meeting held on 1 December 2011 are confirmed as a correct record.

105. **CHAIR'S URGENT BUSINESS**

With the permission of the Chair, the Manager for Health, Safety and Licensing provided an update on the progress relating to the instatement of a taxi rank outside of Marks and Spencer, Cornwall Street, which highlighted the following main points –

- (a) AMEY had been commissioned to undertake a road safety audit to ensure that this was a safe location to site a taxi rank and to establish how many vehicles could use it;
- (b) the Plymouth City Council Act, 1975 required the approval of both the police and highways in order to instate a taxi rank;
- (c) following a meeting between Plymouth City Council's parking enforcement team and the private hire operators, an agreement had been reached whereby private hire vehicles would not receive a ticket for dropping off or picking up in this area.

The committee agreed to receive an initial report within six weeks following the receipt of the road safety audit and the full report within three months.

(In accordance with Section 100(B)(4)(b) of the Local Government Act, 1972, the Chair brought forward the above item for urgent consideration because of the need to inform Members).

106. **APPEAL CASES**

The committee was advised that there had been no new appeal cases since the last meeting.

107. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - J TRENK**

The committee –

- (a) considered the report of the Director for Place;
- (b) heard from Mr Wildman who informed the committee that Mr Trenik was not able to attend and requested that the matter be adjourned to the next committee.

The committee agreed that the matter is adjourned to the next available committee and that Mr Trenik is informed that the matter would be dealt with in his absence if he field to attend on the next occasion.

108. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - W DUNN**

The committee –

- (a) considered the report from the Director for Place;

- (b) heard from the Licensing Officer that Mrs Dunn had renewed her licence and therefore her current licence was due to expire on 5 December 2012;
- (c) heard from Mrs Dunn;
- (d) took the following into account –
- Mrs Dunn had been a private hire driver since 2003;
  - on 24 October 2011 she had been convicted of smoking in her licensed private hire vehicle and had been fined £100 and ordered to pay £100 costs;
  - on 6 April 2011, Mrs Dunn had been issued with a verbal warning about smoking in her vehicle as officers had been concerned with regard to the amount of ash within her vehicle; Mrs Dunn explained that she had now given up smoking;
  - Mrs Dunn had been convicted of plying for hire in 2008 for which she was fined £700 and ordered to pay costs of £873 and had her licence endorsed with eight penalty points; she had subsequently appeared before committee in respect of this offence and had her private hire driver's licence suspended for two days;
  - in the last 12 months Mrs Dunn received three prohibition notices due to defective tyres; Mrs Dunn explained that she now checked her vehicle every other day by way of checking her tyres, lights, brakes and fluids; with respect to the most recent bald tyre the vehicle had been MOT'd 10 days earlier and she had not expected there to be a bald tyre within that short space of time; all vehicles were hired at the time of the offences;
  - Mrs Dunn had failed to notify the Council of her change of operator as required by condition 1(b) of her private hire driver's licence; Mrs Dunn explained that this was because her new operator had said he would advise the Council and she had previously complied with this condition when she changed operator on another occasion;
- (e) was concerned that –
- Mrs Dunn appeared to show a lack of respect for authority and appeared to blame others for her mistakes;

- about the state of Mrs Dunn's vehicles and the lack of maintenance which could have had severe implications for public safety;
- this was the second time Mrs Dunn had appeared before the committee.

The committee agreed that due to concerns for public safety and breach of licence condition, Mrs Dunn's licence is suspended for seven days and she is further required to take the VRQ in transporting passengers by Taxi and Private Hire or equivalent qualification within the next 12 months; this was in accordance with Section 19(1)(b) of the Plymouth City Council Act, 1975 and paragraph 10.2 of Chapter 4 of the Council's policy.

109. **LICENSED HACKNEY CARRIAGE DRIVER REVIEW OF LICENCE STATUS - C TEODORU**

The committee –

- (a) considered the report from the Director for Place was advised that paragraph five of the report should refer to condition 1(e) of the conditions of licence which required the notification of motoring fixed penalty endorsements in writing within seven days;
- (b) heard from Mr Teodoru;
- (c) took the following into account, that –
  - Mr Teodoru had been a licensed driver since 2008 and had transferred from private hire to hackney carriage in May 2009;
  - Mr Teodoru had received nine penalty points since April 2009, six of which were in respect of speeding and the remaining three related to using a mobile phone whilst driving;
  - Mr Teodoru had failed to notify the Council as required by his private hire conditions and the hackney carriage byelaws, of the motoring endorsements;
  - motoring offences were relevant when considering the suitability of a person to retain a licence;
- (d) was concerned that Mr Teodoro –
  - had been doing in excess of 10mph over the speed limit on each occasion he was caught; he had passengers on board on one occasion and that he had been distracted by the passenger talking to him;

- had explained that a faulty speedometer was partially to blame for him speeding yet he had still continued to drive knowing this fault existed and this had the potential to put the public at risk;
- was not aware of the fact that he had to report his fixed penalty notices and had failed to comply within the correct time period.

The committee agreed that having taken the above into account Mr Teodoru's hackney carriage driver's licence is suspended for four days, in accordance with Section 19(1)(b) of the Plymouth City Council Act, 1975.

110. **EXEMPT INFORMATION**

Agreed that under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3 and 7 of Part I Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

111. **CONFIDENTIAL MINUTES (E3 AND E7)**

Agreed that the minutes of the meeting held on 1 December 2011 are confirmed as a correct record.

112. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - SWB (E3 AND E7)**

The committee –

- considered the report from the Director for Place;
- heard from SWB and considered the certificate provided by his GP.

The committee agreed to grant SWB a certificate giving him a life time exemption from carrying wheelchairs in his hackney carriage vehicle.

Following a discussion relating to the number of applications for wheelchair exemption certificates, the committee agreed to include the review of wheelchair exemption certificates on the agenda for the next committee meeting.

(Councillor Rennie declared a personal interest in this matter).

**Order of Business**

The order of business on the agenda was amended as set out below in the minutes.

113. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - RW (E3 AND E7)**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from RW.

The committee agreed that having taken the above into account RW's licence is suspended for two days in accordance with section 19(1)(b) of the Plymouth City Council Act, 1975. RW is further required to produce a copy of his VRQ qualification within the next 10 working days.

(Councillor Churchill declared a personal and prejudicial interest in the above matter and left the room).

*(Please note: there is a confidential part to these minutes)*

114. **LICENSED HACKNEY CARRIAGE DRIVER APPLICATION FOR EXEMPTION - SOH (E3 AND E7)**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from the Licensing Officer that SOH was unable to attend and therefore requested the committee to deal with the matter in his absence.

Members were concerned that they did not have sufficient information to be able to decide the matter without SOH being present.

The committee agreed that this matter is adjourned to a committee date that SOH is able to attend.

115. **LICENSED PRIVATE HIRE DRIVER REVIEW OF LICENCE STATUS - KH (E3 AND E7)**

The committee –

- (a) considered the report from the Director for Place;
- (b) heard from the Licensing Officer that KH had surrendered his licence and was no longer a private hire driver.

The committee agreed that no further action is taken in this matter.